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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

PRIORITY SEND

CIVIL MINUTES -- GENERAL

SCANNED

Case No. **CV 03-2213-JFW (RCx)**

Date: March 23, 2004

Title: COMCAST OF LOS ANGELES, INC., et al. -v- TOP END INTERNATIONAL, INC., et al.

DOCKET ENTRY

THIS CONSTITUTES NOTICE OF ENTRY
AS REQUIRED BY FRCP, RULE 77(d).

PRESENT:

HONORABLE JOHN F. WALTER, UNITED STATES DISTRICT JUDGE

Shannon Reilly
Courtroom Deputy

None Present
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFFS:

None

ATTORNEYS PRESENT FOR DEFENDANTS:

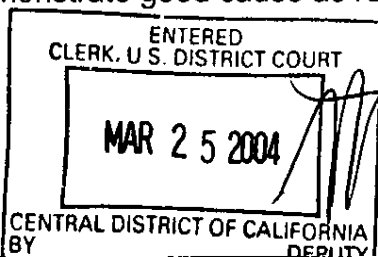
None

PROCEEDINGS (IN CHAMBERS):

**ORDER DENYING MOTION OF PLAINTIFFS TO
RE-OPEN ACTION [filed 2/27/04]**

On February 27, 2004, Plaintiffs filed a Motion to Re-Open Action. On March 18, 2004, Defendants filed a Statement of No Opposition to the Motion of the Plaintiff [sic] to Re-Open this Case. Pursuant to Rule 78 of the Federal Rules of Civil Procedure and Local Rule 7-15, the Court finds that this matter is appropriate for decision without oral argument. The hearing calendared for March 29, 2004 is hereby vacated and the matter taken off calendar. After considering the moving, opposing, and reply papers and the arguments therein, the Court rules as follows:

On December 3, 2003, the parties held a settlement conference with Magistrate Judge Rosalyn M. Chapman during which the parties reached a settlement of the action. The parties placed the terms of the settlement on the record before the Magistrate Judge with the understanding that those terms would be reduced to a written settlement agreement. In light of the settlement of the parties, on January 22, 2004, this Court dismissed the action, "without prejudice to the right, upon good cause shown within **30 days**, to re-open the action if settlement is not consummated." See Jan. 22, 2004 Order. Accordingly, the parties had until February 23, 2004 to file a motion requesting that the Court re-open the action for good cause shown. Plaintiffs did not file their Motion to Re-Open Action until February 27, 2004 - four days after the deadline to re-open the action had passed. Plaintiffs' Motion is therefore untimely. Moreover, even if Plaintiffs' Motion to Re-Open Action had been filed within the 30 day time frame, Plaintiffs have failed to demonstrate good cause as required by the Court's January 22, 2004 Order.



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[Handwritten signature]

Accordingly, Plaintiffs' Motion to Re-Open Action is **DENIED**.

IT IS SO ORDERED.

The Clerk shall serve a copy of this Minute Order on all parties to this action.

SCANNED